

AB:JRS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

CLAYTON CATO,

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
SOUTHERN DISTRICT OF
WEST VIRGINIA

(Fed R. Crim. P. 5)

No. 19 MJ 318

----- X

EASTERN DISTRICT OF NEW YORK, SS:

Matthew Forrest, being duly sworn, deposes and states that he is a Deputy United States Marshal with the United States Marshals Service, duly appointed according to law and acting as such.

On or about January 24, 2019, the United States District Court for the Southern District of West Virginia, issued an arrest warrant commanding the arrest of the defendant CLAYTON CATO in connection with an Indictment charging the defendant with possession of a firearm after having been convicted of a felony, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about January 24, 2019 an arrest warrant was issued by the United States District Court for the Southern District of West Virginia, commanding the arrest of CLAYTON CATO in connection with an indictment charging CATO with possession of a firearm after having been convicted of a felony, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2). A true and correct copy of the arrest warrant is attached as Exhibit A. A true and correct copy of the Indictment is attached as Exhibit B.

2. The defendant was arrested on or about April 8, 2019, in Brooklyn, New York.

3. Following his arrest, the defendant acknowledged that his name is "Clayton Cato" and that he previously resided in West Virginia.

4. Based on information provided by law enforcement agents, the "Clayton Cato" wanted in the Southern District of West Virginia accidentally shot himself in the neck in January 2019. The defendant has acknowledged that he had been shot in the neck in January 2019.

5. On or about April 2, 2019, a team of Deputy United States Marshals visited the home of the parents of the "Clayton Cato" wanted in the Southern District of West

¹ Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for removal, I have not described all of the relevant facts and circumstances of which I am aware.

Virginia to discuss his whereabouts. The defendant acknowledged that Deputy United States Marshals had visited his parent's residence and spoken to them about his whereabouts.

6. I have reviewed a photograph of the "Clayton Cato" wanted in the Southern District of West Virginia and compared it to the defendant. Based on my comparison, I believe the photograph to depict the defendant.

7. Deputy United States Marshals compared a set of the defendant's fingerprints taken on or about April 8, 2019, with a set of known fingerprints belonging to the "Clayton Cato" wanted in the Southern District of West Virginia. Based on that comparison, Deputy United States Marshals have determined that the fingerprints are identical.

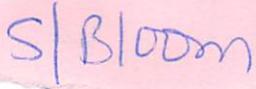
8. Based on the foregoing, I believe that the defendant is the CLAYTON CATO wanted in the Southern District of West Virginia.

WHEREFORE, your deponent respectfully requests that the defendant CLAYTON CATO be removed to the Southern District of West Virginia so that he may be dealt with according to law.



Matthew Forrest
Deputy United States Marshal
United States Marshals Service

Sworn to before me this
8th day of April, 2019



S| BLOOM

THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

SEALED

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

United States of America

v.

CLAYTON CATO

Case No. 2:19-cr-00028

*Defendant***ARREST WARRANT**

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) CLAYTON CATO

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Felon in possession of a firearm.

Date: 01/24/2019


Rory L. Perry II, Clerk
Issuing officer's signature
City and state: CHARLESTON, WVRORY L. PERRY II, CLERK*Printed name and title***Return**

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title***RECEIVED**

2019 JAN 24 PM 11:45

SEALED

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON GRAND JURY 2018-2
JANUARY 23, 2019 SESSION

FILED

JAN 24 2019

RORY L. PERRY II, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-00028

CLAYTON CATO

18 U.S.C. § 922(g) (1)
18 U.S.C. § 924(a) (2)

I N D I C T M E N T
(Felon in Possession of a Firearm)

The Grand Jury Charges:

RECEIVED
JAN 24 2019
U.S. MARSHAL
CHARLESTON, WV

1. On or about November 20, 2018, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant CLAYTON CATO did knowingly possess a firearm, that is, a .32 Smith & Wesson revolver, in and affecting interstate commerce.

2. At the time defendant CLAYTON CATO possessed the aforesaid firearm, he had been convicted of a crime punishable by a term of imprisonment exceeding one year, as defined in 18 U.S.C. § 921(a) (20), that is: Convicted on or about April 14, 2003, in the United States District Court for the Southern District of West Virginia, of Distribution of Cocaine Base, in violation of 21 U.S.C. § 841(a) (1).

In violation of Title 18, United States Code, Sections 922(g) (1) and 924(a) (2).

NOTICE OF FORFEITURE

1. The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 924(d)(1), and 28 U.S.C. § 2461(c).

2. Pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c) and Rule 32.2(a) of the Federal Rules of Criminal Procedure, upon conviction of an offense in violation of 18 U.S.C. § 922(g), the defendant, CLAYTON CATO, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense, including, but not limited to the following: .32 Smith & Wesson revolver, serial number 540832, seized by law enforcement on November 20, 2018.

MICHAEL B. STUART
United States Attorney

By:

Ryan A. Saunders

Assistant United States Attorney

2019 JAN 28 2019
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
FBI - NEW YORK
REC'D. - 1
AM 10:00 AM
2019 JAN 28 2019
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
FBI - NEW YORK
REC'D. - 1
AM 10:00 AM